IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 20357 of 2004

Between:

V.B. Sankara Rao S/o Late Rama Rao
Ex.No.096850/R/SA-I, Occ.Retd.Employee(Navy)

C/o V. Rama Rao D. No. 8-18, Varalakshmi Nagr,

Vepagunta (Post) Pendurthy Mandal,
Visakhapatnam District

..... PETITIONER

AND

1 The Commanding Officer,

I.N.S. Circas,

Visakhapatnam Post and District.
2 The Controller General,

Defence Accounts, R.K. Puram, New Delhi
3 Principal Controller Defence Accounts, (Pension)

Drapadhiglial, Allahabad,
4 The Commodore (For Staff Officer-PEN)

Bureau of Sailors, Cheetah Camp, Mumbai

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not paying the pension which consists of Disability portion and service portion to the petitioner is highly arbitrary and contrary to law and further direct the respondents to pay the arrears of

the pension as per the annexure.1 of the Writ Petition with interest at the rate of 12%.

Counsel for the Petitioner: Mr. B.NAGESWARA RAO

Counsel for the Respondents No: 1 to 4: Mr. A. RAJASHEKAR REDDY (SC FOR CG)

The Court at the stage of admission made the following ORDER:

The petitioner worked in the Indian Navy. He retired from service on 31-08-1982. He was granted disability pension of Rs.180/- at the time of retirement and subsequently, through the order dated 26-02-2002 it was revised to Rs.620/-. The grievance of the petitioner is that though the 4th respondent is paying the regular pension, he is not paying the disability pension to him from August, 2002. Therefore, he made a representation to the 4th respondent on 02-05-2003. The grievance of the petitioner is that the 4th respondent so far did not pass any order regarding the payment of the disability pension from August, 2002. The petitioner, therefore, approached this Court seeking to direct the 4th respondent to pay the arrears of the disability pension. Since the petitioner contends that he made a representation to the 4th respondent on 02-05-2003, regarding the release

of the disability pension, it is desirable to direct the 4th respondent to pass appropriate orders on the said representation.

In the light of the above circumstances, the 4th respondent is directed to pass appropriate orders on the representation of the petitioner dated 02-05-2003 regarding his request for payment of the disability pension within four weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of.

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(Dr.G.YETHIRAJULU,J)

5th November, 2004.

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To

1 The Commanding Officer, I.N.S. Circas,

Visakhapatnam Post and District.

2 The Controller General,

Defence Accounts, R.K. Puram, New Delhi

3 The Principal Controller Defence Accounts, (Pension)

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5 Two CD copies.